

1 Joey P. San Nicolas (F-342)

2 Attorney at Law

3 P.O. Box 571

4 Tinian, MP 96952

5 SN Annex, Broadway Estates

6 Tel./Fax: (670) 433-5776

7 *Attorney for Plaintiff*

8 **IN THE UNITED STATES DISTRICT COURT**

9 **FOR THE**

10 **NORTHERN MARIANA ISLANDS**

11 RYANJAY T. DELA CRUZ,

12 Plaintiff,

13 v.

14 ROME RESEARCH CORPORATION,

15 Defendant.

CIVIL ACTION NO. 08-020

NOTICE OF MOTION AND MOTION TO
WITHDRAW AS COUNSEL

Time: _____

Date: _____

16 COMES NOW, Joey P. San Nicolas, counsel of record for Plaintiff Ryanjay T. Dela Cruz, and

17 hereby requests for an order permitting withdrawal of counsel. This motion is submitted pursuant to

18 LR 83.5g4 and Rule 1.16(b)(5) of the Model Rules of Professional Responsibility. This motion is

19 supported by the attached declaration for counsel

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21 Respectfully submitted this 9th day of August, 2008.

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23 JOEY P. SAN NICOLAS (F-342)

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DECLARATION OF COUNSEL

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17 I, Joey P. San Nicolas, declare:

- 18 1. I am an attorney licensed to practice before all courts of the CNMI. I have personal
19 knowledge of the matters stated herein and would be competent to testify to them if
20 called to do so.
- 21 2. I was retained by Plaintiff to represent him and to prosecute this matter on or about
22 November 15, 2007.
- 23 3. Plaintiff gave Counsel a single cell phone number where Counsel could reach him.
- 24 4. Since approximately two months ago Counsel has had extreme difficulty in contacting

1 Plaintiff via telephone or otherwise.

- 2 5. Numerous phone calls have been made to Plaintiff's contact number but such phone
3 number was unanswered.
- 4 6. Counsel left several messages at Plaintiff's home with his household members but no
5 calls were returned.
- 6 7. Counsel is informed and believes that Plaintiff has relocated to Guam.
- 7 8. Despite my efforts to faithfully carry out my duties as counsel for Plaintiff, Plaintiff
8 has acted in a way to render continued representation to be unreasonably difficult.
- 9 9. For the above reasons, I request the Court to permit Counsel's withdrawal from further
10 representation of Plaintiff, pursuant to LR 83.5g4 and Rule 1.16(b)(5) of the Model
11 Rules of Professional Conduct.

12 I declare under penalty of perjury that the foregoing is true and correct and that this
13 declaration was executed on August 09, 2008 at Tinian, Commonwealth of the
14 Northern Mariana Islands.

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17 JOEY P. SAN NICOLAS (F-342)
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